



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET  
ATLANTA, GEORGIA 30363

APR 27 1989

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

YELLOW

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(Sue)  
11.9

Harry Ganger, President  
Nine West Corp.  
9 West 57th Street  
New York, NY 10019

10442

RE: Prairie Metals and Chemical Site, Prairie, Mississippi

Dear Mr. Ganger:

The United States Environmental Protection Agency (EPA) is considering spending public funds to investigate and take response measures to control the release or threatened release of hazardous substances, pollutants or contaminants at the above-referenced site, (the "Site"). This action will be taken pursuant to Section 104 and other provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") or the ("Superfund law"), 42 U.S.C. Section 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act ("SARA") (P.L. 99-499), unless EPA determines that such action will be done properly by a responsible party. Information compiled during EPA's investigation of the site indicates that you may be a potentially responsible party.

By this letter, therefore, EPA intends to notify you of your potential liability with regard to this site and to encourage you, as a potentially responsible party, to undertake voluntary cleanup activities. This letter is to further inform you of other potentially responsible parties who are also being asked to undertake the response actions described herein. A list of those potentially responsible parties is provided as an enclosure.

On February 26, 1985, the EPA sampled the previous site of Prairie Metals and Chemical Company, located on State Highway 382, adjacent to an inactive army ammunition plant in Prairie, Monroe County, Mississippi. Both soil and water samples were found to have elevated levels of arsenic, chromium, and lead, and a large pile of ferrous ammonium sulfate (FAS) was found inside the warehouse. Records also indicate that drums or contaminated material were buried in at least two areas.

Before the Agency undertakes actions in response to the problems presented by the site, we would like to know if you will voluntarily perform the work required to abate any releases or threatened releases at this site. The response actions now proposed are detailed below. Unless you undertake the response actions described herein, EPA plans to conduct those response actions at the Prairie Metals and Chemical site. EPA will then seek to recover the costs from you.

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The response actions to be taken at this site may include, but are not necessarily limited to:

1. Excavate and dispose of all contaminated materials located in the on-site burial pits, in a federally approved manner.
2. Treatment of all contaminated water on-site.
3. Removal and disposal of all FAS located in the warehouse, in a federally approved manner.
4. Sampling of all removal areas and on-site soil to determine if cleanup is complete.

You may obtain additional information on the technical aspects of these response actions by contacting the Agency's technical representative, Kelly McCarty at (404) 347-3931.

Under Section 107 of CERCLA, 42 U.S.C. Section 9607, as amended, where the Agency uses public funds to take corrective actions at the site, you may be liable for all costs associated with the removal actions and all other necessary costs incurred in cleaning up the site. You should contact the Agency's legal representative identified below if you desire more information.

EPA will consider an offer by you alone or in conjunction with other potentially responsible parties to conduct the response actions described above provided that you agree to follow the requirements set forth by EPA. Please notify EPA, in writing, within ten (10) calendar days from the receipt of this letter of your willingness and ability to conduct or participate in the response actions described above. If you are willing and able to act, you may request a period of negotiation to facilitate an agreement with you for taking the necessary response actions and to expedite these removal actions. Under Section 122(e) of CERCLA, 42 U.S.C. Section 9622(e), as amended, whenever EPA, in the exercise of its discretion, determines that such a period of negotiation is appropriate at a site, it may provide a moratorium during which no response action may be commenced by the EPA. This letter does not, however, constitute the special notification provided for in Section 122(e) of SARA, and does not invoke the negotiation moratorium set forth in that subsection. EPA will consider any demonstration you may make in your response about your ability and willingness to act before determining whether a period of negotiation and a moratorium are appropriate in this case. Should a negotiation moratorium be determined to be appropriate, you will be notified of this in a separate letter.

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Your failure to respond to this letter in the time and manner set forth herein will constitute a refusal to participate in their response actions and will result in the other PRPs or EPA conducting response action at this site.

Your letter should include the appropriate name, address and telephone number for further contact with you. If you are involved in discussions with state or local authorities, engaged in voluntary action or involved in a lawsuit regarding this site, you should continue that activity and report the status or those discussions or that action in your letter. Please provide a copy of your letter to any other parties involved in those discussions. In addition, if you have any reason to believe that there may be other potentially responsible parties that have not been identified by EPA, please provide, to the extent available, the names addresses and telephone numbers of those parties, and a brief explanation (to the extent you know) of why such other parties may be liable.

Your letter should be sent to:

S. Charles Murray  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
345 Courtland Street, NE  
Atlanta, Georgia 30365

Notwithstanding EPA's request that you conduct the appropriate response action, should events occur which necessitate an immediate response action, EPA may, in its discretion, take whatever action is necessary to abate such danger or threat without further notification to you.

The factual and legal discussions contained in this letter are intended solely for notification and edification purposes. They are not intended to be, are not, and may not be relied upon as a final Agency position on any matter set forth herein.

In addition, EPA is seeking to obtain certain information from you for the purpose of determining the need for a response to a release at the Site or possible enforcement actions against potentially responsible parties. Under the provisions of Section 104 of CERCLA, 42 U.S.C. Section 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927, as amended, the Administrator of the Environmental Protection Agency has the authority to require any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes and substances to furnish information related to such wastes and substances. Pursuant to those statutory provisions, you are hereby directed to respond to the information and document requests set forth herein on the basis of all information and documents in your possession, custody or control, or in the possession, custody or control of your employees, agents, servants or attorneys.

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1. Describe any relationship, by business, contract, agreement or otherwise that your company has with the following companies or individuals regarding the production and disposal of chromium or other hazardous waste material at the Prairie Metals and Chemical Site.
  - a) Cedar Chemical Corporation
  - b) System Services and Industrial Corporation
  - c) Vicksburg Chemical Corporation
  - d) Denver Harris
  - e) Vertac Chemical Corporation
2. Also describe and provide any documents maintained by your company concerning your business relationship at the site with the above companies or individual. The word "document" means all (and all copies containing any additional matter) or nature however produced or reproduced, any form or collected data for use with electronic data processing equipment, and any mechanical or electronic visual or sound recordings, including, without limitation, all tape or discs, now or formerly in the possession, custody or control of recipient. It includes, but is not limited to, any logs of materials or containers shipped, other logs, invoices, purchase orders, checks, receipts, bills of lading, weight receipts, toll receipts, loading tickets, receiving tickets, shipping orders, manifests, inventories, letters, and other correspondence, offers, contracts, agreements, bids, proposals, licenses, permits, reports to governments agencies, ledgers, accounts receivable, accounts payable, account statements, financial statements, monthly reports, other reports, minutes of meetings, sales estimates, sales reports, source and use analyses, memoranda, handwritten or other notes, calendar or dairy entries, agendas, bulletins, graphs, charts, maps, photographs, drawing surveys, data, sampling results, analytical results, descriptions of materials, load schedules, price lists, summaries, telegram, teletypes, computer printouts, magnetic tapes, discs, microfilm, and microfiche.
3. Provide the name, dates of employment, and current address (if known) of all employees of your company who were involved or had any contact with, or had knowledge about your company's activities at the Site.
4. Does your company have any other information regarding it's activities at the Site between 1970 to 1985? If so please describe that information in detail and provide copies of all relevant documents.

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Pursuant to Section 103 of CERCLA, 42 U.S.C. Section 9603, it is unlawful for any reason to knowingly destroy, mutilate, erase, dispose of, conceal, or otherwise render unavailable or unreadable or falsify any records.

Your information must be sent to EPA (at the above address) within fifteen (15) calendar days of your receipt of this letter. Under Section 3007 of RCRA, 42 U.S.C. 6928, as amended, failure to comply with this request may result in an order requiring compliance or a civil action for appropriate relief. Section 3007 also provides for civil penalties. Failure to comply with this request under Section 104 of CERCLA, 42 U.S.C. Section 9604, as amended, may result in a civil enforcement action being brought against you by EPA. (Note: The fifteen day period for responding to the questions above is distinct from the ten (10) days period within which you are to indicate your willingness to conduct or participate in the RA, ERA and RI/FS). EPA regulation governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations. From any portion of the information submitted which is entitled to confidential treatment, a confidentiality claim may be asserted in accordance with 40 C.F.R. Section 2.203(b). If EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. Section 2.200, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with respect to this letter as a waiver of that claim, and information may be made available to the public by EPA without further notice.

EPA would like to encourage good faith negotiations between you and the Agency and among you and other potentially responsible parties for the site. Due to the seriousness of the problem at the Site and the attendant legal ramifications, the Agency strongly encourages you to submit a written response within the time frame specified herein. We hope that you will give these matters your immediate attention.

Sincerely yours,



Patrick M. Tobin  
Director  
Waste Management Division

LIST OF POTENTIAL RESPONSIBLE PARTIES

City of Aberdeen  
Mayor Frank Harrington  
125 W. Commerce  
Aberdeen, MS 39730

4th Supervisors District of Munroe County  
Mr. C.E. (Bubba) Henley  
c/o Chancery Building  
127 W. Commerce Street  
Aberdeen, MS 39730

Systems Services and Industrial Croporation.  
Mr. Walter L. New, President  
P.O. Box 7147  
Savannah, GA 31418

Mr. Denver V. Harris, President  
Prairie Metals and Chemcials Corporation  
Hwy 8 East  
P. O. Box 145  
Aberdeen, MS 39730

John Bumpers, President  
c/o Corporate Counsel  
Cedar Chemical Corporation  
5100 Poplar Avenue  
24th Floor  
Memphis, TN 38137